

ENVIRONMENTAL PROTECTION COMMISSION
REGULAR MEETING/PUBLIC HEARING
MINUTES
March 7, 2007

Wednesday, March 7, 2007 7:30 p.m. Room 206
Town Hall

Chairman Hillman called the meeting to order at 7:35 P.M. Commission Members Present: Peter Hillman, Reese Hutchison, Ellen Kirby, Ned Lewis and Craig Flaherty.

Staff Present: Richard Jacobson

Court Reporter: Bonnie Syat

Mr. Hillman read the first agenda item:

EPC-76-2006 Mark Raskopf, 60 Andrews Drive, proposing to construct a retaining wall and place fill within the upland review area.

Mr. Raskopf represented himself. He provided an arborist's report from Bill Nielsen of Save-A-Tree. Mr. Hillman continued this until March 21, 2007 to allow the Commission time to review the report.

Mr. Hillman read the next agenda item:

EPC-01-2007 David and Tina Madon, 15 Shennamere Road, proposing fence installation, tree removal and re-planting within the upland review area

Ms. Madon represented herself. She said there is standing water behind the house and she would like to create a secure area for her children to play. She said they are proposing to remove the Junipers to the west of the house and install a fence with natural plantings to replace the trees removed. Mr. Hillman asked if she has discussed the proposal with her neighbor. Ms. Madon said yes and that their primary concern was replacing the screening and the type of fence. Ms. Madon said they were able to accommodate the neighbor's concerns. Mr. Hutchison said it was good practice to ask neighbors about the fence type before installing it. Mr. Hillman asked if more trees could be planted. Ms. Madon said she would like to plant additional trees on the site after their arborist evaluates the existing trees. Mr. Hillman asked the applicant to consider additional trees and obtain staff approval for replacing existing trees. Mr. Flaherty made a motion to approve the application and added another stipulation that there be a gap between the fence and the ground of a few inches. The applicant agreed with both stipulations. Mr. Lewis seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

ENVIRONMENTAL PROTECTION COMMISSION
MARCH 7, 2007 MEETING
MEETING MINUTES
Page 2 of 6

EPC-03-2007 Jeanette Brown, 17 Archer Lane, proposing reconstruction and repairs to a stream retaining wall.

Mr. George Pappallo, builder, represented the applicant. He said they would like to build the retaining wall to match the existing wall. Mr. Hutchison asked the width of the existing wall. Mr. Pappallo said they would match the width of the existing wall and use field stone mortared in the back with a dry front. He said they will provide pipes for weep holes every 4 feet. Mr. Flaherty asked if they would use filter fabric between the grave and the natural ground. Mr. Pappallo said yes. Mr. Flaherty asked if they would provide a 3-5 foot wide planted buffer between the lawn and the wall. Mr. Pappallo said yes. Mr. Hillman made a motion to approve the application with such stipulations. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

Request for Extension EPC-56-2000 Miceli, Wakeman Road, development of two residential lots.

Mr. Hillman said that he and staff had consulted with the Town Attorney and determined that the expiration date is in September 2009. He requested staff notify the applicant that the Commission will consider an extension in early 2009.

Mr. Hillman read the next agenda item:

EPC-79-2006 James B. and Katherine G. Kane 147 Five Mile River Road, proposing to construct a replacement house and related construction activity within upland review area.

Mr. Hillman said the Commission has received the draft approval. Ms. Kirby made a motion to approve the application. Mr. Hutchison seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-77-2006 Frank Yorchika and Samuel Starks 6 Robin Hood Lane, proposing to construct a new house and provide wetland enhancements within a wetland and within the upland review area.

Mr. Hillman said the Commission has received the draft approval. He made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman informed the Commission that the pending litigation Windels vs. EPC was argued in the court of appeals last week and a decision is expected in approximately three months. He also told the Commission that the issue of flooding along Stony Brook was

ENVIRONMENTAL PROTECTION COMMISSION
MARCH 7, 2007 MEETING
MEETING MINUTES
Page 3 of 6

scheduled for the March 21, 2007 Board of Selectman meeting after his discussion with the First Selectwoman about his memos requesting a study of the problem.

Mr. Hillman read the next agenda item:

Joyce Critelli, 39 Shields Lane- Requesting permission to perform landscape work within a Conservation Easement.

Mr. Hutchison was recused for this item. Kate Throckmorton represented the applicant. She said they are requesting permission to work in a conservation easement area. She said the evergreen planting has not been successful because the Norway maple canopy is preventing anything else from growing. Mr. Hillman asked about the easement language. She said the easement must be kept natural but permission may be granted for the work. She said the easement language in 1986 did not anticipate the invasive nature of the Norway maples. Mr. Flaherty asked about changing the character of the easement from large trees to smaller material. Ms. Throckmorton said the significant tree canopy of Norway maples is only in the center of the property. Mr. Flaherty asked about keeping the larger trees. Ms. Throckmorton said the plantings would not be successful. Mr. Flaherty said he was concerned about changing the spirit of the easement from wooded to screening plants. Ms. Throckmorton said they were attempting to manage the property in a more natural state and improve wildlife habitat. She said the native vegetation will replace non-native vegetation with little value. Mr. Hillman said he thought the plan would restore the area to a more natural condition as it was when it was first developed. Ms. Kirby asked them to increase the number of sugar maples. Ms. Throckmorton said they could substitute some white spruce for more sugar maple. Mr. Hillman made a motion to approve the request with the stipulation that there be two sugar maples substituted for two white pines. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-13-2007 Kai Young, GPG Builders, 19 Greenwood Avenue, proposing to demolish an existing house and construct new dwelling within an upland review area.

Greg Liberman of Stearns and Wheeler represented the applicant. He provided a revised plan. The Commission determined that a public hearing is in the public interest and scheduled a hearing for April 4, 2007.

The Commission opened the public hearing at 8:35 p.m. Mr. Hillman read the first hearing item.

EPC-06-2007 Joseph and Maria Teresa Criscuolo, 95 Hoyt Street, proposing driveway construction within a regulated area.

The public hearing was opened and continued to March 21, 2007.

ENVIRONMENTAL PROTECTION COMMISSION
MARCH 7, 2007 MEETING
MEETING MINUTES
Page 4 of 6

Mr. Hillman read the next hearing item.

EPC-85-2006 John P. Gallagher and Tricia Gallagher, 49 Deepwood Road, proposing to construct a replacement house and related construction activities within the upland review area.

Attorney Wilder Gleason represented the applicant. He said the revised plans addressed the questions raised at the last hearing. He said there is a substantial reduction in fill and the house has been moved farther away from the wetland. He said they have provided a chart which shows a reduction in regulated activities. He said the rain gardens were sized for the larger impervious surface area. Mr. Flaherty said he thought the plan satisfactorily addressed all of his previous concerns. Mr. Hutchison said he thought the original plan was good but the new plan is even better. Mr. Flaherty made a motion to close the public hearing. Mr. Hillman seconded the motion and it passed unanimously. The Commission proceeded to deliberate on the application. Mr. Lewis said he thought the applicant responded to the Commission's questions with good detail. Mr. Hillman said he is appreciative of the applicant's responses to the Commission's concerns. He said the rain gardens are good features and the removal of the driveway from the upland review area is an improvement. The Commission requested staff draft a resolution of approval.

Mr. Hillman read the next hearing item.

EPC-07-2007 Rod and Julia Parker, 29 Point O'Woods Road, proposing drainage repairs and improvements within the regulated area and within the upland review area.

John Martucci represented the applicant. He provided photos of the March 2, 2007 storm. He said the August storm was the reason for the proposal which flooded the Parker's basement. He said he revised the plans as a result of the March storm and concerns raised by the Peglers to the east. Mr. Hillman asked what the concerns were which were raised. Mr. Martucci said they were concerned that the berm on the property line would split flows and direct water onto their property. Mr. Lewis asked about the level of certainty that the swale will work. Mr. Martucci said it will make the situation better. He said minor grading around the house and additional spot grading will also improve the situation. Mr. Flaherty suggested that the westerly end of the swale be moved south to increase the slope and improve flow. Mr. Hutchison asked if a stone wall would provide a better edge for the swale. Mr. Flaherty said that armoring would be necessary if there were sustained flows with heavy velocity. He said the swale does not require a structural solution. Mr. Flaherty asked if there would be vegetation removed and if mitigation plantings would be necessary. Mr. Martucci said there would not be any tree removal and there is very little understory.

Mr. Hillman opened the hearing to public comment.

Hutch Pegler said they are sympathetic to the Parker's situation. He said Mr. Martucci had accurately described their concerns. He said that they had water in their basement for

ENVIRONMENTAL PROTECTION COMMISSION
MARCH 7, 2007 MEETING
MEETING MINUTES
Page 5 of 6

the first time in August and that something has changed to create the problem. He said he has some level of comfort that the swale will work after consulting with Stearns and Wheler. Mr. Flaherty suggested that if permission is granted they should clean out the basins on the adjacent property during construction. Mr. Hillman asked Mr. Martucci to revise the plans for the March 21 meeting. Mr. Flaherty asked for more information on the vegetation to be removed and for recommendations on planting the berm from a landscape architect.

Mr. Hillman read the next agenda item:

EPC-09-2007 Thomas Santaniello, 14 Weeds Landing, proposing tree removal within an upland review area.

Mr. Santaniello represented himself. He said they are requesting approval to remove one Black Oak Tree. He said there was storm damage which has left the tree leaning toward the pool. His arborist, Peter Fox, recommend the tree be removed. He said they are proposing new plantings. Mr. Hillman made a motion to approve the application. Mr. Hutchison seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-10-2007 Philip and Mary Agnes Wilderotter, 59 Five Mile River Road, proposing to restore and upland area adjacent to the Five Mile River and adjacent to a tidal wetland violation.

Attorney Wilder Gleason represented the applicant. He said they submitted a DEP application after the Commission denied the previous application without prejudice. Mr. Hutchison said the application has received intensive scrutiny. Mr. Gleason said the walls will be removed and replaced with coir logs and wetland plantings to soften the landscape. Mr. Hillman made a motion to approve the application. Mr. Flaherty seconded the motion and it passed unanimously.

Mr. Hillman read the next agenda item:

EPC-11-2007 Ken and Sallie Schmidt, 6 Settlers Trail, proposing a house addition and deck within an upland review area.

Alfred McNeal Designer/Builder represented the applicant. He said they propose to replace the existing deck and expand it. Mr. Flaherty asked about the distance from the deck to the wetland. Mr. McNeal said new deck will be 20-23 feet from the wetland and the existing deck is 17 feet at the closest point. Mr. Hillman asked the distance from the proposed mud room to the wetland. Mr. McNeal said 39 feet. Mr. Lewis asked about the material under the deck. Mr. McNeal said it will be gravel. Mr. Hutchison made a motion to approve the application. Mr. Lewis seconded the motion and it passed unanimously.

ENVIRONMENTAL PROTECTION COMMISSION
MARCH 7, 2007 MEETING
MEETING MINUTES
Page 6 of 6

Mr. Hillman read the next agenda item:

EPC-12-2007 Thomas and Lynne Mercein, 29 Sunswyk Road, proposing construction of a pool within an upland review area.

Todd Ritchie of Stearns and Wheler represented the applicant. He said there was a previously approved application to remove the paddle tennis court, restore the area to lawn and install drainage. He said the temporary disturbance will be restored to lawn after the pool is constructed. Mr. Hillman said he believes the application should go to public hearing because the pool is 25 feet from the wetland. Mr. Flaherty asked the applicant to look for alternative pool locations outside of the wetland. The Commission scheduled a public hearing for April 4, 2007.

Mr. Hillman read the next agenda item:

Minutes of December 6, 2006. Mr. Hillman made a motion to approve the minutes as corrected.

Mr. Lewis made a motion to adjourn. Mr. Hutchison seconded the motion and it passed unanimously.

The meeting adjourned at 10:15 a.m.

Respectfully submitted,

Richard B. Jacobson
Environmental Protection Officer